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# Solving Problems (Complaints from Students)

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## Overview

### What is a Complaints Procedure For?

Newnham College is committed to a high quality of educational and other provision to its students, and encourages students to tell the college where there is cause for concern about individual or general matters. A complaints procedure provides a background safeguard for students and for College staff, both academic and non-academic. It outlines procedures for handling complaints a student may have against college provision (academic and non-academic) with sympathy, fairness and efficiency. It does not offer a way of settling day to day difficulties. As in any community, these have to be tackled by direct and courteous discussion with others concerned.

Not everything that goes wrong, or less well than it should, is best dealt with by making a complaint: usually it is more effective to make a comment or suggestion about some aspect of College arrangements. Students who want to make a suggestion or comment about the College's arrangements, either academic or nonacademic, can do so informally at the point of delivery, or by contacting the person in charge of the relevant area, or where it seems appropriate by raising the matter with their Tutor or the Senior Tutor.

If a student encounters a difficulty which she cannot resolve by ordinary direct methods, including confidential discussion with a Tutor, she may decide that she wants to embark on a formal complaint. Although the first stage of the complaint procedure is informal, it is nevertheless more formal than sorting out difficulties face-to-face. This degree of formality arises because a procedure is being used; because the interests both of the person who complains and of the person who is complained against have to be safeguarded; and because a confidential record has to be kept.

It is very much in everybody's interests to resolve matters at as early a stage as possible, so as to limit the amount of stress and formality for all parties. But if matters cannot be resolved at an early stage, the complaints procedure and the appeal procedure provide a further stage of safeguard. The College will make every effort to reach a satisfactory resolution that is fair both to those making complaints and to those who are complained about.

The College subscribes to the guidelines agreed by the Senior Tutors' Committee for the handling of student complaints, and this document sets out the procedure for making a complaint to the College. It is in three parts: initial (informal) procedure; formal complaints procedure; guidance on matters falling outside the complaints procedure or for which there is supplementary provision.

## Using the Complaints Procedure: general points

The College has a duty to provide fair and objective procedures for examining and resolving complaints, and to ensure that its procedures are free from partiality arising from personal or institutional conflict of interest, or other sources of bias.

Except in very serious cases complaints will begin with the initial (informal) procedure.

A student who seeks to make a complaint should first approach her Tutor or the Senior Tutor, who will attempt to resolve the matter. If a student is not satisfied with the steps taken or recommended by the Tutor or Senior Tutor, then the initial (informal) complaints procedure should be followed. The following general points should be noted:

- Anybody using the complaints procedure should initiate procedures as soon as possible following the occurrence of a problem, normally within one calendar month.
- No student will be disadvantaged by having raised a complaint, but the College expects that students will not make frivolous, ungrounded or malicious complaints (such action might provide reason for others to complain).
- No one may make a complaint on behalf of a third party.

A student who wishes to complain about a matter that is not within the control of the College but within that of another institution, e.g. the University or another College, should consult the Senior Tutor who will identify the appropriate point of contact within the Faculty, Department or College and take up the matter on the student's behalf.

Every attempt will be made to maintain the confidentiality of complainants. The names of complainants will not be disclosed to anyone who does not need to know for the fair resolution of the complaint. No-one will be told the complainant's name without the express agreement of the complainant. However, in some cases identification of the complainant may be necessary for any action to be taken.

Every attempt will also be made to protect the identity of the person against whom the complaint is made. The College expects a student making a complaint to observe suitable discretion on the issue while the matter is being resolved.

Where a complaint is made against a College employee or against a student, a fair investigation will normally require disclosure of the complainant's identity to the person complained against. At each stage of the procedure, the College will try to tell a person who complains whether her identity must be or is likely to be revealed. The College expects that the person who complains will not disclose, other than to those involved in seeking a resolution of the complaint, the name of any individual directly involved in her complaint. Doing so could lead to counter complaints.

The College expects that in raising issues of complaint, a student will herself be aware of, and have observed, her obligations as a member of the College and University.

The College will keep a log of types of complaints received and the way they are dealt with. This is done in order to monitor the quality of its services and responsiveness to student

comments, suggestions and complaints. No individual's name will be included in the log of complaints received and handled.

## **Initial (Informal) procedure**

### **Stage one**

Students who encounter a difficulty with College arrangements that they cannot resolve themselves should first raise the matter with the responsible individual. If informal discussion does not resolve the situation satisfactorily, the person responsible for the area to which the issue relates should be approached, either directly or, if preferred, through a College Tutor or Director of Studies. The Senior Tutor will also be able to offer advice as to the office holder/Head of Department most closely associated with the complaint. A prompt response will be provided, allowing for reasonable time to investigate the incident.

If informal discussions with the relevant office holder/Head of Department and the student are not able to resolve the complaint, then the Senior Tutor will listen personally to each party and, subsequently, hold a meeting with both parties to propose a means of resolving the complaint.

### **Stage two**

In cases where a student feels that a complaint has not been resolved by Stage One procedures, a complaint should be made in person or in writing to the Vice Principal. The Vice Principal will appoint a Complaints Officer (who will normally be a Senior Member of Council) to investigate the matter as soon as possible, including listening personally to the other party and inviting a written statement from the person or persons complained against.

The Complaints Officer shall not be the Senior Tutor or the Tutor of the student concerned.

An initial response to any complaint made during Full Term can be expected within 7 days of its receipt and a considered written response to the complaint giving reasons for the decision, and setting out the details of any remedy, should be received within three weeks (allowing for periods of vacation or College closure). Any subsequent remedy will be implemented with the minimum of delay. These written records will be kept by the College Secretary in a confidential file separate from employment or student files.

In the event that a complaint is against the Vice Principal, the complaint should be put in writing to the Principal, who will appoint a Complaints Officer as above.

### **Formal complaints procedure**

It is hoped that very few complaints would remain unresolved after the Complaints Officer's investigation. However, should a complaint remain unresolved, the complainant can request that the matter is referred to the Complaints Committee (Student Affairs).

## The standing Complaints Committee (Student Affairs)<sup>1</sup>

There shall be a standing Complaints Committee (Student Affairs), to consider all complaints which remain unresolved at the end of the initial (informal) stage of the complaints procedure. Its members, appointed by Council, shall be:

- The Chairman (who shall NOT be the Senior Tutor)
- Three Tutors of whom one shall sit on any one occasion<sup>2</sup>
- Four Directors of Studies of whom one shall sit on any one occasion
- Two Junior Members (normally, the President of the JCR, and the President of the MCR), of whom one shall sit on any one occasion.

Each Tutor shall serve for 3 years, except that, in the case of the first appointment under these regulations, one Tutor shall be elected to serve for 2 years.

Each Director of Studies shall serve for 3 years, except that in the first election under these regulations 4 shall be appointed, one Director to serve for 1 year, one for 2 years, one for 3 years and one for 4 years.

In each case referred to the Complaints Committee (Student Affairs) the Chairman shall convene a panel of available members.

Should it prove impossible to convene a meeting with the full number of members, the Complaints Committee may co-opt members to fill any vacancy, provided that a Tutor's place be filled by a Tutor, or a Director of Studies' place by another Director of Studies. A Junior Member's place may only be filled by a Junior Member.

### **A. Procedure and conduct of the standing Complaints Committee (Student Affairs)**

- I. If a complaint remains unresolved after the Complaints Officer's investigation, the complainant can request that the matter is referred to the Complaints Committee (Student Affairs). The complainant must make any such request in writing, to the Chairman of the Complaints Committee (Student Affairs) giving her reasons for doing so. The complainant may indicate the form of remedy being sought (e.g. an explanation or apology, a change in practice or policy, financial compensation, disciplinary or other appropriate action), without prejudice to the final remedy determined.

The Chairman of the Complaints Committee (Student Affairs) shall then convene the Committee, and inform the Council that a case has been referred to the Committee. The fact of the referral (without any personal or other identifying detail) shall be reported in Reserved Business.

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<sup>1</sup> It is envisaged that the standing Complaints Committee (Student Affairs) will have the same membership as the standing Disciplinary Committee, but augmented by two Junior Members.

<sup>2</sup> "Tutor" includes Tutors with named Tutorial posts, Assistant Tutors, and Assistant Graduate Tutors.

2. The complainant and the person complained of must, at the earliest opportunity, be notified in writing of the date and time of the meeting of the Complaints Committee (Student Affairs), provided with a copy of this procedure, and with a copy of any available written material relating to the complaint, including that made available at the initial (informal) stage of the procedure. This material, together with any submission made and evidence submitted by the complainant, will be made available to the Complaints Committee (Student Affairs). The Complaints Committee (Student Affairs) is the primary tribunal of fact and therefore the substantive evidence gathering hearing, whose recommendation is forwarded to Council.
3. The complainant and the person complained of (if relevant) may present her case in one or more of the following ways all equally acceptable to the Complaints Committee (Student Affairs):
  1. by making a written submission;
  2. by asking a resident Senior Member of the University (on the Roll of the Regent House) to speak on her behalf;
  3. by appearing in person before the Committee. NB: A student wishing to attend in person is entitled to bring with her someone of her choosing as a friend or supporter, but not as an advocate entitled to speak on her behalf.
  4. The complainant and the person complained of and the Senior Member (as in A3b, if speaking on their behalf), if either of them so wish, may provide a written statement and speak to it at the meeting and may ask the Complaints Committee (Student Affairs) to hear from such witnesses as the Committee deem appropriate.
  5. The Complaints Committee (Student Affairs) reserves the right to call the complainant and the person complained of to a special meeting in order to put questions to them, should this be found necessary after it has considered the evidence.
  6. The Complaints Committee (Student Affairs) shall make a recommendation to the College Council. Appropriate remedies may include: a written or verbal explanation or apology; a change in practice or policy; financial compensation; disciplinary or other appropriate action. The Chairman of the Complaints Committee (Student Affairs) shall communicate the recommendation to the student in writing together with a statement of the reasons.
  7. The complainant and the person complained of shall be advised that they should give notice in writing of any wish to appeal for a reconsideration of the case by the College Council within 7 days.

## **B. Conduct of the Council**

1. The Council will make a decision on the Complaints Committee (Student Affairs)'s recommendation after it has heard from the complainant and the person complained of whether they accept the recommendation, or whether they wish to appeal for a reconsideration of the case.
2. The complainant and the person complained of may present her case to the Council in any of the ways given in paragraph A3 above. Witnesses may not be called save with the consent of the Council. Leave to adduce fresh evidence, or to recall witnesses heard by the Committee, shall be given only if the Council is satisfied that it is necessary or expedient in the interests of justice.
3. The Council reserves its right to modify or reject the recommendation of the Complaints Committee (Student Affairs) in the light of B2 above.
4. The Principal (or her deputy) shall communicate in writing the final decision of the Council to the student. The letter should conform to a completion of procedures letter in an up-to-date format as currently recommended by the Office of the Independent Adjudicator.
5. A member of the Council who, as a member of the Complaints Committee (Student Affairs), has taken part in the deliberations on a student's case, shall not take part in the Council's consideration of a student's appeal for a reconsideration of the Committee's recommendation.

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Questions? Please contact [senior.tutor@newn.cam.ac.uk](mailto:senior.tutor@newn.cam.ac.uk)